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COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C. 20548

March 1, 1966

✓ 158513
Disbursing Officer
c/o Commander, U. S. Naval Shipyard
Bremerton, Washington 98314

Dear Sir:

This is in reply to the letter of February 9, 1966, of the Industrial Manager USN 13th Naval District, reference 12300 Ser 1190-204, with enclosures, involving the payment of dependent's travel in connection with the renewal employment agreement of Mr. Albert H. Stewart, Resident Industrial Manager, 13th Naval District, Kodiak, Alaska.

The record shows that Mr. Stewart executed a renewal employment agreement of June 20, 1965, for 12 months additional duty, and providing for home leave travel from Kodiak, Alaska, to Commerce, Oklahoma, for himself and his dependent. On June 23, 1965, Mrs. Stewart departed from Kodiak, Alaska, to Seattle, Washington, by commercial air and on June 29, 1965, departed Seattle by commercial air for Commerce, Oklahoma, using her own tickets. She had been advised that such travel would be covered under a travel authorization and renewal employment agreement. On her return from Commerce, Oklahoma, on July 15, 1965, Mrs. Stewart proceeded to Seattle by commercial air where she used the renewal employment agreement to obtain a transportation request from Seattle to Kodiak.

The Industrial Manager, 13th Naval District, advises that in the progress of official business Mr. Stewart was unable to take home leave. The enclosures reveal that he traveled in connection with temporary official duty from Kodiak to Seattle and return between June 9-11, 1965, and again between July 19-24, 1965, and that he was again in Seattle on August 21.

The letter of February 9, 1966, indicates that Mr. Stewart was employed in Kodiak by the Industrial Manager, 13th Naval District, from 1963 and has had continuous Government service in Alaska since 1963. It was the travel in question he has taken renewal employment agreement for July 1965 to 1966.

The question raised by the Industrial Manager regarding reimbursement of dependent's home leave transportation expenses when no home leave travel is taken by the employee requires consideration of two distinct

B-158513

provisos contained in section 7 of the Administrative Expenses Act of 1946, as amended, 5 U.S.C. 73b-3. Those provisos read in part as follows.

"* * * Provided further, That expenses of round trip travel of employee and transportation of immediate family but excluding household effects, from their posts of duty outside the continental United States to the places of actual residence at time of appointment or transfer to such overseas posts of duty, shall be allowed in the case of persons who have satisfactorily completed an agreed period of service overseas and are returning to their actual place of residence for the purpose of taking leave prior to serving another tour of duty at the same or some other overseas post, under a new written agreement entered into before departing from the overseas post:

* * * Provided further, That expenses of transportation of the immediate family and shipment of household effects of any employee from the post of duty of such employee outside continental United States to place of actual residence shall be allowed, not in excess of one time, prior to the return of such employee to the United States, including its Territories and possessions, when the employee has acquired eligibility for such transportation * * *." (Underscoring supplied.)

The first proviso in the above statute does not authorize payment the transportation expenses of the immediate family of an employee from the overseas post of duty to the actual place of residence in the continental United States and return unless the employee himself returns to continental United States for the purpose of taking leave. B-1370, March 17, 1961. However, an employee's dependents may travel to the continental United States under the second proviso, above, at Government expense at the time he has attained eligibility for return transportation by reason of his completion of an agreed period of service. 35 Comp. Gen. 101; see also JTR C7003-3b(1)(2).

Since Mrs. Stewart's travel, which was commenced June 23, 1961, several days prior to Mr. Stewart's acquiring eligibility for travel through completion of the required period of service, was undertaken in contemplation of the completion of the period and the execution of renewal employment travel agreement, and the further fact that some of the travel was performed after entitlement to eligibility had been

B-158513

attained it is concluded that the requirement in that regard of the second proviso of 5 U.S.C. 73b-3, quoted above, has been satisfied. Of B-138436, February 16, 1959. However, such a dependent would not be entitled to return to Kodiak, Alaska, at Government expense since there was no round trip travel by the employee. See 36 Comp. Gen. 10; JTR C7004-2.

Thus, the claimant may be reimbursed for Mrs. Stewart's transportation expenses one way from Kodiak, Alaska, to Commerce, Oklahoma, with appropriate setoff for the cost of the travel procured under a transportation request from Seattle, Washington, to Kodiak, Alaska.

The papers transmitted with the Industrial Manager's letter are returned herewith.

Sincerely yours,

FRANK H. WEITZEL

Acting Comptroller General
of the United States

Enclosures

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ORIGINAL DOCUMENT MISSING PAGE(S):

NO ATT.